

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Monday, July 3, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 12, 2023, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Dick Campbell, Tracy Corr, Maribel Cruz, Gloria Eddins, Cristy Joy, and Cindy Ryman Yost. Lorenzo Ball, Rich Rodenburg, and Tracy Edgerton absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Emma Martin, and Ben Callahan of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Vice Chairperson Ryman Yost called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Ryman Yost requested a motion approving the minutes for the regular meeting held June 28, 2023.

Motion for approval of the minutes made by Joy, seconded Eddins. Minutes approved 5-0: Corr, Cruz, Eddins, Joy, and Ryman Yost voting "yes". Ball, Rodenburg and Edgerton absent. Campbell abstained.

Ryman Yost asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 12, 2023

Members present: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost. Ball, Rodenburg and Edgerton absent.

The Consent Agenda consisted of the following items: Change of Zone 23053 and Street and Alley Vacation 23003.

Clerk noted that Planning Commission members received a staff memo dated 07/12/23, identifying revisions to Conditions of Approval as agreed upon by staff and applicant for Street and Alley Vacation 23003.

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Joy moved approval of the Consent Agenda items with the amended motion, seconded by Campbell.

Motion carried 6-0: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost voting "yes". Ball, Rodenburg and Edgerton absent.

Note: This is Final Action on Special Permit 1965B and Special Permit 23026 unless appealed by filing a letter to the City Council within 14 days.

SPECIAL PERMIT 1965B

TO AMEND EXISTING SPECIAL PERMIT 1965A, TO ALLOW FOR 48 MULTI-FAMILY UNITS, 23 TOWNHOME UNITS, 9 SINGLE-FAMILY UNITS, AND FIVE UNASSIGNED UNITS, ON PROPERTY GENERALLY LOCATED AT NW 48TH STREET AND W MADISON AVENUE.

Clerk noted that Planning Commission members received a Staff Memo dated 07/12/23, Identifying revisions to Conditions of Approval as agreed upon by staff and applicant for Special Permit 1965B.

PUBLIC HEARING:

July 12, 2023

Members present: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost. Ball, Rodenburg and Edgerton absent.

Staff Recommendation:

Conditional Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation:

Emma Martin, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this application is a request to amend Special Permit #1965A, Hartland Homes NW 1st Addition to allow 85 dwelling units, including 48 multi-family units, 23 townhome units, 9 single-family units, and 5 unassigned units. This request is also to amend the layout of the internal private roadways. Martin stated that the application is associated with Street and Alley Vacation 23003 and Street Name Change 23003. There are two associated waivers that have been previously approved. Martin stated that the applicant has discussed this project and amendment with the individual owners of the townhomes within the Community Unit Plan

(CUP). This CUP complies with the Lincoln Design Standards. The Planning Department recommends approval, and the application is consistent with the Comprehensive Plan.

Applicant:

Rick Onnen, E&A Consulting Group, Inc, 701 O Street, Suite 400, Lincoln, NE came forward and stated that he is speaking on behalf of Venture Holdings, LLC. Onnen stated that the previously approved plan showed Cleveland Avenue and Madison Avenue extending through with connection. Onnen stated that there was a change in density of the number of homes in the Special Permit and will continue to work through the process of the name change with the other property owners. Onnen stated that one of the conditions is to replat the existing convenience store and are in the process of working through that with the owners. Onnen stated that a motion to amend was presented to the Planning Department today prior to the hearing. Onnen explained the recommended changes to the motion to amend that the Planning Commissioners received prior to the hearing today.

Campbell wanted to clarify the changes are from the Planning Department and the suggestions are from the Consulting Group. Onnen stated that is correct and that the language is going back to the original application. Campbell asked if the staff preferred to see the updated language. Onnen stated that Steve Henrichsen with the Planning Department would need to explain the updated language.

Corr asked if the storm sewer is to be converted to private. Onnen stated that is correct and that it will become private. Campbell asked about the other people who dump into that storm sewer. Onnen stated that there will be an agreement in place with the owner of the apartment complex and the owner of the two properties with the two inlets for the maintenance of a portion of the street to include the storm sewer.

Proponents:

No one came forward in support of this application.

Neutral:

No one came forward in neutral testimony.

Opposition:

No one came forward in opposition.

Staff Questions:

Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and presented a simplified version to the revision to the staff report (Exhibit 1). Henrichsen also stated that some of the items were changed due to wording and a section was marked out that should have not been.

Applicant Rebuttal:

Onnen approached and stated that the setback statement that he does not know if the language makes a difference.

Corr asked if this were to be approved, is it the staff amendment or the applicant amendment that they will be referring to.

Abby Littrell, City Attorney, 555 S 10th Street, Lincoln, NE approached to clarify that staff memo (Exhibit 1) in which Henrichsen distributed is what is being referred to. Henrichsen stated it is revision #2 that is the current version.

Campbell moved to close the public hearing, seconded by Joy.

Motion carried 6-0: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost voting “yes”. Ball, Rodenburg and Edgerton absent.

SPECIAL PERMIT 1965B

ACTION BY PLANNING COMMISSION:

July 12, 2023

Campbell moved to approve Special Permit 1965B as revised by staff memo #2 of July 12, 2023, seconded by Corr.

Campbell stated that he will support this, and the developer is trying to fit the neighborhood better.

Corr stated that it looks good to her.

Ryman Yost stated that she appreciates all the work and how it has a paper trail for future zoning action.

Motion carried 6-0: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost voting “yes”. Ball, Rodenburg and Edgerton absent.

SPECIAL PERMIT 23026

TO ALLOW FOR A RESIDENTIAL HEALTHCARE FACILITY FOR UP TO 12 RESIDENTS, ON PROPERTY GENERALLY LOCATED AT 3737 CALVERT STREET.

PUBLIC HEARING:

July 12, 2023

Members present: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost. Ball, Rodenburg and Edgerton absent.

Staff Recommendation:

Conditional Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation:

Ben Callahan, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is a request to allow for a Residential Healthcare Facility for up to 12 residents. This application was previously approved by the Planning Department but denied by the City Council. The applicant has resubmitted the application. One of the changes is to decrease the number of residents. Callahan stated that one of the largest conditions proposed is to limit to only Assisted Living and Memory Care. If this property is to be sold in the future, it would revert to a single-family home or stay as an assisted living care facility. Callahan stated that for density purposes and with the current zoning, this area could be brought up to a duplex, two single family attached with a total of four single family units on the lot.

Corr asked Callahan why it was brought to their attention of the density report. Callahan stated it was from the perspective of seeing that by right of final plat, it could be four single family units with the zoning standards. The lot is large enough for the four units with density by right. Callahan stated that he wanted to show what else could be done with the lot. Corr asked if someone else came in to develop this lot, that they would not have to go through this process at all or that they could just do the subdivision and build these units without having to go through the Planning Commission or City Council. Callahan stated that is correct. Corr asked if the walking paths would be concrete. Callahan stated that there would be a lighted walking path within the fenced in area.

Ryman Yost asked if the previous application had a plan for an elevator, does this new plan have an elevator? Callahan stated that would need to be answered by the applicant for the interior questions.

Corr asked if the patio area in the back is added on. Callahan stated that it is all outdoor space and patio. Corr stated that there are other special permits for this type of use and that they were lower density then this property. This property has a higher density is that means a bigger footprint, so they are allowed more residents here. Callahan stated that this is calculated by the lot size.

Eddins asked how many would be allowed based on the lot size. Callahan stated up to 26 residents based on this lot size.

Applicant:

DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Suite 105, Lincoln, NE approached representing Harbor Senior Care Facility and wanted to discuss the business model and what they are doing.

Chris Gille, Gille Properties, LLC, 3101 N 177th Street, Omaha, NE came forward to give some history of how this program was developed and what their goal is. Gille stated that their homes are in a residential neighborhood, in an actual home, and community based. Gille found that a home of six people is not a sustainable model financially, but it does give a great model and focus to get the process figured out. Gille stated that one consistent message that he continues to hear is that the resident has come back alive because of the environment that is created within the home. Second is that the families do not have to worry any more about the care that their loved one is getting.

Katie Hartman, 7800 N. 134th Street, Waverly, NE approached and is the current administrator of the Pinedale facility located in Lincoln. Hartman stated that they are basically a family operating in the home. This is by making the residents feel at home. Hartman stated that besides this being a business, this is a service to the residents and community. Hartman said that this is individualized care in a smaller setting and the residents are thriving on that type of care.

Campbell asked with only six occupants, with two passing, has there been any situations with other individuals to where they must be removed from the home? Hartman stated that there are issues that they can run into, but they have consultants that come into the home and when medications are needed, they are able to distribute. Hartman stated that they have never had an issue to where others are affected in the home.

Corr asked if the doctors come to the facility or do they go to the doctors. Hartman stated that the doctors do come to the facility if needed, but it is not an everyday or weekly occurrence. Corr asked what kind of interior modifications are being made to the home. Hartman stated that an elevator and sprinkler system are being put in. There are also safety features that will be ADA compliant.

Eddins wanted to clarify if the elevator was going to be on the inside of the home. Hartman that yes it will be contained inside the home.

Corr asked where the other location is in Lincoln. Hartman stated that the other location is at 8421 Pinedale Court.

Kalkowski approached and stated that the changes to the site will not have any physical changes to the existing home. Kalkowski stated that there will be a deck added on the back and a walking path through the back within the fenced in area. There will also be a circle drive and a few additional parking added for the workers. Kalkowski stated that they tried to engage the neighbors more by holding another neighborhood meeting. There were approximately 11 neighbors that had attended, and letters mailed out to the neighbors. Kalkowski stated a quick summary was the reduction of the numbers of residents in the home. There was also some storm water language added to the site plan. Kalkowski stated that a restriction is being placed in the Special Permit to limit it to 12 residents and to a Residential Memory Care Assisted Living Facility. If the property sells, then the restriction stays, the new owners will need to go through the process to change it.

Corr asked how many bedrooms are in the home now. Gille stated that there are five bedrooms and will be six total after an egressed window is put in the basement area.

Proponents:

No one came forward in support.

Neutral:

No one came forward in neutral testimony.

Opposition:

Regina Blazek, 3636 S. 37th Street, Lincoln, NE approached and stated that she knows that this is a formality, and that the applicant has met the needs for approval. Blazek distributed a copy of the letter that the neighbors had received (Exhibit 2) from the applicant. Blazek stated that her primary concern is that this is an antique residential neighborhood. This neighborhood is surrounded by children. There currently is a traffic overflow from adjacent streets. Blazek stated that she is now requesting a formal traffic study be performed in September when the burden of traffic is presented. Blazek stated that the storm water issue already exists, and it is a concern of the residents. Blazek stated that they see the point that this fills a need but just feels that this is not in the interest of the current residents or for the people who are in this micro residential institution that is a business in this neighborhood.

Ryman Yost asked when the commercial space a block down was built. Blazek stated it has been there for 70 years and was built prior to the homes.

Eddins asked if Calvert Street has sidewalks. Blazek stated Calvert Street does have sidewalks, but the side streets are inconsistent.

Kathy Keady, 3740 Calvert Street, Lincoln, NE came forward and stated that she lives directly across the street from this property. The street sign has been moved because of vision of the traffic. This is a huge concern because you cannot see the sign. The new application does not mention the traffic issue or a traffic study. Keady stated that this will never go back to a residential house. Keady stated that this is not the place to add a new business. She is concerned with the traffic flow and that the city just wants the business. Keady stated that no one wants a fence around this property, and it is a beautiful property. Keady does not want a sign there that says Harbor, or a business put there. Keady stated that they are not neighbors, she has not even seen them at the property.

Teresa Schmidt, 3727 Stockwell Street, Lincoln, NE came forward and stated that she is not a neighbor. Her biggest issue is that the owners are in this to make money. It is placing a business in the residential area. The neighbors will lose their quality that they have had and thinks this is

wrong and should not be approved. Schmidt stated that they have limited the number of people here today to testify and limited the number of letters received. Schmidt said that they will be at City Council, and they will all be there to be heard.

Pat Cole, 3801 Calvert Street, Lincoln, NE approached to speak about concern with the drainage. Cole stated that she does not see how there could be other living spaces as presented by Callahan in that lot. Cole stated that with Calvert Street not having any parking, where is the visitors going to park when they go to the facility. Cole stated her main issue is the drainage and the parking.

William Hempel, 3704 S. 37th Street, Lincoln, NE came forward and stated that the density and parking are the main issue for him. Hempel stated what has not been addressed is the continuously starting and stopping of all the cars. Hempel also stated that density does not match up with the neighborhood.

Staff Questions:

Campbell asked Callahan if there is a requirement for a drainage study. Callahan stated that on the conditions for the Special Permit of the staff report, is that the applicant work with an engineer before they get an occupancy permit.

Corr asked if there is any signage for this property. Henrichsen approached and stated there are two categories in terms for signs and each Special Permit is allowed a certain number of signs. Henrichsen stated that the sign shall be kept with the character of the area. Since this is a residentially zoned area, it cannot be eliminated. It is a requirement of all signs.

Corr asked if the neighbors want a traffic study, how would they go about requesting that? **Bob Simmering, Lincoln Transportation and Utilities, 555 S 10th Street, Lincoln, NE** approached and stated that a traffic study can be required but this does not meet the requirement to have one. In addition to that, traffic studies around the school zones for typical pedestrian use. But something of this size, a traffic study would not be done. Simmering stated that a facility like this will not generate or exceed the units to have a traffic study done.

Applicant Rebuttal:

Kalkowski approached to state that the existing storm water issue cannot be solved. There is a condition that was voluntarily added by the applicant that they will mitigate onsite if it was needed to minimize additional impact. Kalkowski stated that there is no signage on the plan.

Ryman Yost stated that the property next door has a circle drive which is consistent with this facility. Eddins asked if they can drive out onto Calvert Street or if there is a turn around on the property. Kalkowski stated that there is a turn around on the property so that the employees will not be backing onto Calvert.

Gille approached and stated that they did have an engineer on the property and advised on how to proceed. Gille mentioned that with the conditions on the Special Use permit, it has the same use on it and cannot be changed without going through the process if the property sells. Gille stated that they only have one purpose for this home and wants to continue to have the impact that they are having with the residents. Real homes, real neighborhoods and an opportunity that has not been available in Lincoln.

Corr asked where a family member would come to visit and where would they park. Gille stated that in their motto, there is always two additional parking stalls available for family members to park. They also have the circle drive but try to keep that free and clear for deliveries to come in and out. Visitors are typically scheduled ahead so there are no surprises to the residents.

Corr asked if from the street view, is there anything that shows that a family does not live there. Gille stated that they do not want any signage on the property because they want the facility to look like it fits into the neighborhood.

Campbell moved to close the public hearing, seconded by Joy.

Motion carried 6-0: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost voting "yes". Ball, Rodenburg and Edgerton absent.

SPECIAL PERMIT 23026

ACTION BY PLANNING COMMISSION:

July 12, 2023

Campbell moved to approve Special Permit 23026, seconded by Joy.

Campbell stated that he does not consider this a business, it is basically a home where people are able to live based on their needs. Campbell stated that by driving by no one will know the difference based on how the house looks. Campbell stated that he does not see how this will make a difference on the neighborhood traffic either. The owners have listened to the concerns of the neighbors and have addressed those issues.

Corr agrees with Campbell and stated that once this goes in, there will not be much of a change to the neighborhood and will be supporting this.

Ryman Yost will also be supporting this as well. Ryman Yost appreciates the work that has gone into addressing the concerns that others had had. She appreciates the concept of a home setting.

Corr stated that she wants to thank the applicant for listening to the neighbors and concerns.

Motion carried 6-0: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost voting "yes". Ball, Rodenburg and Edgerton absent.

Corr moved to adjourn the Planning Commission meeting of July 12, 2023, seconded by Campbell.

Motion carried 6-0: Campbell, Corr, Cruz, Eddins, Joy, and Ryman Yost voting "yes". Ball, Rodenburg and Edgerton absent.

There being no further business, the meeting was adjourned at 2:37 p.m.